

*relictam*, and therefore a woman against whom such a decret-arbitral was given having married, and being charged to pay, and the husband for his interest, the Lords thought the charge warrantable, and would not suspend without caution.

No. 7.

---

1738. *June 27.* CREDITORS of POLDEAN *against* SHARP of Hoddam.

No. 8.

FEU-DUTIES not separated from the superiority by decret or assignation, descend to the heir in the superiority, and not to the superior's executors, as was likewise found some years ago; so that it seems now fixed that they are heritable both *quoad creditorem* and *debitorem*.

---

1739. *February 23.* JEAN and MARGARET GRAYS *against* DUNLOP.

No. 9.

LIFERENT annuities, and other annual prestations, though containing a clause of annualrent after the several terms of payment, remain notwithstanding still moveable *quoad fiscum et relictam*, and fall under the *jus mariti* as well after as before the term of payment, because they are still considered as *fructus* and not as *feuda*, and fall not under the acts 1641 and 1661, which make indeed some debts moveable that were before heritable, but make none heritable that were before moveable. (See DICT. No. 7. p. 5770.)

---

1739. *November 6.* HEIRS and EXECUTORS of SIR JAMES ROCHEAD.

No. 10.

MERCHISTON and BLAIR having disposed their estates to trustees for their creditors, and among others Sir James Rothead; and Sir James and the other creditors having assigned their debts to these trustees in order to adjudge, which they accordingly did, Sir James having died after part of the common debtor's lands were sold, but before the whole were sold, the Lords found Sir James's debt, so far as corresponded to his share of the price of the lands sold moveable, and to descend to his executors, but found the rest of the debt heritable, and to descend to the heir. *Vide supra* the case of the Creditors of Cave, (No. 4.) and of the Heirs and Executors of Principal Smith, (No. 6.) and *infra*, 13th July 1748, Sir William Dunbar *against* Lady Dipple, (No. 14.) (See DICT. No. 187, p. 5590.)

\* \* \* The Lords found also in this case, that annualrents or heritable bonds which were payable at Candlemas and Lammas, and he having died